

REMARKS:Status

After this response, claims 10 to 43 are pending. Claims 1 to 9 have been cancelled without prejudice or disclaimer of subject matter, claims 10 to 13 and 15 have been amended, and claims 27 to 43 have been added. Claims 10 and 27 are the independent claims. Reconsideration and further examination are respectfully requested.

Section 101 Rejection

Claims 10, 12, 13, 16, and 19 to 26 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. In response, Applicant has amended claim 10 to recite that “at least one of said steps is performed automatically by a computer program.” This language is akin to language recited by claim 11, which the Office Action did not reject under § 101. Accordingly, claim 10 as amended and its dependent claims, which include claims 12, 13, 16, and 19 to 26, are believed to recite statutory subject matter. Withdrawal of the § 101 rejection is therefore respectfully requested.

Section 112 Rejection

Claims 11 to 13, 15, and 20 were rejected under 35 U.S.C. § 112, ¶ 2, as indefinite. Applicant has amended claims 11 to 13 and 15 in a manner that is believed to address

the issues raised in the Office Action. Withdrawal is therefore respectfully requested of the § 112 rejection of these claims.

With respect to claim 20, the Office Action stated the following: “Claim 21 recites the limitation “rejecting the offer of making of making a counter offer.” First, Applicant has assumed that this statement regarded claim 20. Second, Applicant’s copy of the application contains slightly different language, namely, “rejecting the offer or making a counter offer.” This language is believed to be definite within the meaning of § 112, ¶ 2.

Applicant requests that the Examiner verify the language in claim 20. If that language is unclear as indicated in the Office Action, then Applicant respectfully requests the Examiner to make an Examiner’s amendment so that the language of claim 20 reads as follows: “A method as in claim 10, wherein said step of responding to said offer includes accepting the offer, rejecting the offer or making a counter offer.” Withdrawal also is respectfully requested of the § 112 rejection of claim 20.

Section 103 Rejection

Claims 10 to 26 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,924,082 (Silverman). Applicant respectfully traverses this rejection.

Claim 10 is the independent one of these claims and is reproduced below for the Examiner’s reference:

10. A method for automated negotiation, including steps of
identifying one or more parties;
setting the parameters of said automated negotiation;

sending an invitation to said automated negotiation to said one or more parties;
making an offer in response to said invitation;
responding to said offer; and
storing information in a database;
wherein at least one of said steps is performed automatically by a computer program.

The applied art, namely Silverman, is not seen by Applicant to disclose or to suggest the foregoing features of claim 10, at least with respect to the step of “sending an invitation to said automated negotiation to said one or more parties.”

In this regard, claim 39 of Silverman was cited in the Office Action as teaching this feature. Silverman’s “notifying” step in claim 39 appears to Applicant to have been equated with the claimed step of “sending an invitation.” However, according to Applicant’s understanding, these are not equivalent operations. Invitations as used in the application are more than mere notifications in that they are a grant of permission to join a negotiation.

Silverman also is not seen by Applicant to disclose or to suggest the features of claim 10 with respect to “making an offer in response to said invitation.”

While Silverman does permit negotiations once a match is found, Silverman appears to Applicant to teach that offers and bids are entered before matching and notification. See, e.g., Silverman, col. 7, lines 14 to 42. Thus, even if Silverman’s notification is read to be equivalent to claim 10’s invitation, Silverman still does not appear to Applicant to teach claim 10’s step of “making an offer in response to said invitation.”

For at least the foregoing reasons, reconsideration and withdrawal are respectfully requested of the § 103 rejection of claim 10 and its dependent claims.

New Claims

New claims 27 to 43 recite systems that execute instructions for substantially performing the methods recited by claims 10 to 26, with some minor changes to the language of some dependent claims for the sake of form.

Closing

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at (614) 486-3585. All correspondence should continue to be directed to the address indicated below.

Respectfully submitted,



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